UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,741	08/04/2003	Takahiko Koizumi	MIPFP047	6624

25920 7590 01/26/2007 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085	**EXAMINER** GILES, NICHOLAS G

ART UNIT	PAPER NUMBER
2622	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/634,741	KOIZUMI ET AL.
	Examiner	Art Unit	
	Nicholas G. Giles	2622	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 December 2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-25_ is/are pending in the application.

    4a) Of the above claim(s) _9-25_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _06 February 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Applicant's election without traverse of Group I claims 1-8, in the reply filed on

12/21/2006 is acknowledged.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims **1-8** are rejected under 35 U.S.C. 102(b) as being anticipated by Shiota et

al. (U.S. Patent No. 6,011,547).

Regarding claim **1**, Shiota et al. discloses:

An image processing method that makes image data, which

includes shooting information obtained at a time of shooting, subjected to

a series of image processing suitable for a selected shooting scene, said

image processing method comprising: acquiring image data; retrieving

scene-dependent image processing condition specification information,

which is related to the acquired image data and is used to specify a

scene-dependent image processing condition suitable for the selected

shooting scene (optimal processing condition); specifying the selected

shooting scene based on the shooting information (recording information),

in the case of failed retrieval of the scene-dependent image processing
condition specification information; acquiring a scene-dependent image
processing condition (predetermined algorithm) suitable for the specified
shooting scene from a memory device, which stores multiple scene-
dependent image processing conditions set for multiple shooting scenes;
and executing image quality adjustment of the image data with the
acquired scene-dependent image processing condition (2:19-27, 3:67-
4:21, 4:31-53, and 5:54-62, if the optimal processing condition is present
the image is processed using the condition, otherwise the shooting
information must be examined because there was a failed retrieval of the
optimal processing condition).

Regarding claim **2**, see the rejection of claim 1 and note that Shiota et al. further
discloses:

Acquiring the scene-dependent image processing condition, in the
case of successful retrieval of the scene-dependent image processing
condition specification information, is implemented by acquiring the scene-
dependent image processing condition corresponding to the retrieved
scene-dependent image processing condition specification information
from said memory device (5:54-62).

Regarding claim **3**, see the rejection of claim 1 and note that Shiota et al. further
discloses:

Specifying the shooting scene, when the shooting information

includes preset information of shooting scene, is implemented with the

preset information of shooting scene (5:54-62).

Regarding claim **4**, see the rejection of claim 1 and note that Shiota et al. further

discloses:

Specifying the shooting scene is implemented with based on

information on settings of exposure program (AE), aperture (EV), shutter

speed (EV), subject distance range (focusing length), ISO speed rate (γ),

and flash (flash) included in the shooting information (2:19-27, 3:67-4:21,

4:31-53, and 5:54-62).

Regarding claim **5**, see the rejection of claim 3 and note that Shiota et al. further

discloses:

Specifying the shooting scene, when the shooting information does

not include the preset information of shooting scene, is implemented with

information on settings of exposure program (AE), aperture (EV), shutter

speed (EV), subject distance range (focusing length), ISO speed rate (γ),

and flash (flash) included in the shooting information (2:19-27, 3:67-4:21,

4:31-53, and 5:54-62).

Regarding claim **6**, see the rejection of claim 1 and note that Shiota et al. further

discloses:

Scene-dependent image processing condition is a combination of

values of multiple image quality-relating parameters, which are set in

advance for each shooting scene (2:19-27, 3:67-4:21, 4:31-53, and 5:54-

62).

Regarding claim **7**, Shiota et al. discloses:

An image processing apparatus that makes image data, which

includes shooting information obtained at a time of shooting, subjected to

a series of image processing suitable for a selected shooting scene, said

image processing apparatus comprising: an image data acquisition unit

that acquires image data; a memory unit that stores multiple scene-

dependent image processing conditions set for multiple shooting scenes

(optimal processing condition); a scene-dependent image processing

condition acquisition unit that, in the case of failed retrieval of scene-

dependent image processing condition specification information, which is

related to the acquired image data and is used to specify a scene-

dependent image processing condition suitable for the selected shooting

scene, specifies the selected shooting scene based on the shooting

information (recording information) and acquires a scene-dependent

image processing condition (predetermined algorithm) suitable for the

specified shooting scene from said memory unit; and an image quality

adjustment unit that executes image quality adjustment of the image data

with the acquired scene-dependent image processing condition (2:19-27,

3:67-4:21, 4:31-53, and 5:54-62, if the optimal processing condition is

present the image is processed using the condition, otherwise the

shooting information must be examined because there was a failed

retrieval of the optimal processing condition).

Regarding claim **8**, Shiota et al. discloses:

A computer program product storing a program that causes a

computer to utilize multiple scene-dependent image processing conditions

set for multiple shooting scenes and to make image data, which includes

shooting information obtained at a time of shooting, subjected to a series

of image processing suitable for a selected shooting scene (optimal

processing condition), said program comprising: a computer command

that retrieves scene-dependent image processing condition specification

information, which is related to acquired image data and is used to specify

a scene-dependent image processing condition suitable for the selected

shooting scene; a computer command that specifies the selected shooting

scene based on the shooting information (recording information), in the

case of failed retrieval of the scene-dependent image processing condition

specification information; a computer command that selects a scene-

dependent image processing condition (predetermined algorithm) suitable

for the specified shooting scene among the multiple scene-dependent

image processing conditions; and a computer command that executes

image quality adjustment of the image data with the selected scene-

dependent image processing condition (2:19-27, 3:67-4:21, 4:31-53, and

5:54-62, if the optimal processing condition is present the image is

processed using the condition, otherwise the shooting information must be

examined because there was a failed retrieval of the optimal processing

condition).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

7,151,564 Kubo   processing conditions attached to the image for later

                    processing

6,657,658 Takemura   zooming information attached to image for later

                    processing

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nicholas G. Giles whose telephone number is (571)

272-2824. The examiner can normally be reached on Monday through Friday from

7:30am to 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ngoc - Yen Vu can be reached on (571) 272-7320. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NGG

NGOC-YEN VU
SUPERVISORY PATENT EXAMINER